

---

**SUBSTITUTE SENATE BILL 5257**

---

**State of Washington**

**59th Legislature**

**2005 Regular Session**

**By** Senate Committee on Human Services & Corrections (originally sponsored by Senators Hargrove, Stevens and Delvin)

READ FIRST TIME 02/15/05.

1       AN ACT Relating to mental health treatment for minors; amending RCW  
2 71.34.052; adding new sections to chapter 71.34 RCW; creating a new  
3 section; and recodifying RCW 71.34.010, 71.34.020, 71.34.140,  
4 71.34.032, 71.34.250, 71.34.280, 71.34.260, 71.34.240, 71.34.230,  
5 71.34.210, 71.34.200, 71.34.225, 71.34.220, 71.34.160, 71.34.190,  
6 71.34.170, 71.34.290, 71.34.056, 71.34.800, 71.34.805, 71.34.810,  
7 71.34.015, 71.34.027, 71.34.130, 71.34.270, 71.34.042, 71.34.044,  
8 71.34.046, 71.34.030, 71.34.052, 71.34.025, 71.34.162, 71.34.164,  
9 71.34.035, 71.34.054, 71.34.040, 71.34.050, 71.34.060, 71.34.070,  
10 71.34.080, 71.34.090, 71.34.100, 71.34.120, 71.34.110, 71.34.150,  
11 71.34.180, 71.34.900, and 71.34.901.

12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

13       NEW SECTION. **Sec. 1.** The legislature finds that, despite explicit  
14 statements in statute that the consent of a minor child is not required  
15 for a parent-initiated admission to inpatient or outpatient mental  
16 health treatment, treatment providers consistently refuse to accept a  
17 minor aged thirteen or over if the minor does not also consent to  
18 treatment. The legislature intends that the parent-initiated treatment

1 provisions, with their accompanying due process provisions for the  
2 minor, be made fully available to parents.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 71.34 RCW  
4 to read as follows:

5 A minor child shall have no cause of action against an evaluation  
6 and treatment facility, inpatient facility, or provider of outpatient  
7 mental health treatment for admitting or accepting the minor in good  
8 faith for evaluation or treatment under RCW 71.34.052 or 71.34.054 (as  
9 recodified by this act) based solely upon the minor's lack of consent  
10 if the minor's parent has consented to the evaluation or treatment.

11 **Sec. 3.** RCW 71.34.052 and 1998 c 296 s 17 are each amended to read  
12 as follows:

13 (1) A parent may bring, or authorize the bringing of, his or her  
14 minor child to an evaluation and treatment facility or an inpatient  
15 facility and request that the professional person examine the minor to  
16 determine whether the minor has a mental disorder and is in need of  
17 inpatient treatment.

18 (2) The consent of the minor is not required for admission,  
19 evaluation, and treatment if the parent brings the minor to the  
20 facility.

21 (3) An appropriately trained professional person may evaluate  
22 whether the minor has a mental disorder. The evaluation shall be  
23 completed within twenty-four hours of the time the minor was brought to  
24 the facility, unless the professional person determines that the  
25 condition of the minor necessitates additional time for evaluation. In  
26 no event shall a minor be held longer than seventy-two hours for  
27 evaluation. If, in the judgment of the professional person, it is  
28 determined it is a medical necessity for the minor to receive inpatient  
29 treatment, the minor may be held for treatment. The facility shall  
30 limit treatment to that which the professional person determines is  
31 medically necessary to stabilize the minor's condition until the  
32 evaluation has been completed. Within twenty-four hours of completion  
33 of the evaluation, the professional person shall notify the department  
34 if the child is held for treatment and of the date of admission.

35 (4) No provider is obligated to provide treatment to a minor under  
36 the provisions of this section except that no provider may refuse to

1 treat a minor under the provisions of this section solely on the basis  
2 that the minor has not consented to the treatment. No provider may  
3 admit a minor to treatment under this section unless it is medically  
4 necessary.

5 (5) No minor receiving inpatient treatment under this section may  
6 be discharged from the facility based solely on his or her request.

7 (6) Prior to the review conducted under RCW 71.34.025 (as  
8 recodified by this act), the professional person shall notify the minor  
9 of his or her right to petition superior court for release from the  
10 facility.

11 (~~(7) For the purposes of this section "professional person" does~~  
12 ~~not include a social worker, unless the social worker is certified~~  
13 ~~under RCW 18.19.110 and appropriately trained and qualified by~~  
14 ~~education and experience, as defined by the department, in psychiatric~~  
15 ~~social work.))~~

16 NEW SECTION. Sec. 4. (1) The code reviser shall recodify, as  
17 necessary, the following sections of chapter 71.34 RCW in the following  
18 order, using the indicated subchapter headings:

- 19 General
- 20 71.34.010
- 21 71.34.020
- 22 71.34.140
- 23 71.34.032
- 24 71.34.250
- 25 71.34.280
- 26 71.34.260
- 27 71.34.240
- 28 71.34.230
- 29 71.34.210
- 30 71.34.200
- 31 71.34.225
- 32 71.34.220
- 33 71.34.160
- 34 71.34.190
- 35 71.34.170
- 36 71.34.290
- 37 71.34.056

1 71.34.800  
2 71.34.805  
3 71.34.810  
4 71.34.015  
5 71.34.027  
6 71.34.130  
7 71.34.270  
8 Minor-Initiated Treatment  
9 71.34.042  
10 71.34.044  
11 71.34.046  
12 71.34.030  
13 Parent-Initiated Treatment  
14 71.34.052  
15 71.34.025  
16 71.34.162  
17 71.34.164  
18 71.34.035  
19 71.34.054  
20 Involuntary Commitment  
21 71.34.040  
22 71.34.050  
23 71.34.060  
24 71.34.070  
25 71.34.080  
26 71.34.090  
27 71.34.100  
28 71.34.120  
29 71.34.110  
30 71.34.150  
31 71.34.180  
32 Technical  
33 71.34.900  
34 71.34.901

35 (2) The code reviser shall correct all statutory references to  
36 sections recodified by this section.

--- END ---